

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:) Chapter 13
)
Jessica Robertson,) Case No. 23-15078
)
Debtor(s).) Judge Baer

NOTICE OF MOTION

TO: Office of Glenn Stearns, Chapter 13 Trustee, via Electronic Court Notice
United Wholesale Mortgage, LLC, Attn: Mat Ishbia, President, 585 South Blvd E, Pontiac,
MI 48341
United Wholesale Mortgage, LLC, PO Box 519096, Dallas, TX 75261-9741

PLEASE TAKE NOTICE that on May 3, 2024 at 10:00 a.m., I will appear before the Honorable Judge Thorne, or any judge sitting in that judge's place, either in courtroom 615 of the Everett McKinley Dirksen United States Courthouse, 219 S Dearborn St., Chicago, IL 60604 or electronically as described below, and present the Objection to the Claim of United Wholesale Mortgage, LLC (Claim Number 12), a copy of which is attached.

Important: Only parties and their counsel may appear for presentment of the motion electronically using Zoom for Government. All others must appear in person.

To appear by Zoom using the internet, go to this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

To appear by Zoom using as telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

Meeting ID and passcode. The meeting ID for this hearing is 160 731 2971 and passcode is 587656. The meeting ID and passcode can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

_____/s/ David H. Cutler

CERTIFICATE OF SERVICE

I, David Cutler, certify that I served a copy of this notice and the attached motion on the Trustee and the attorney for the mortgage company via electronic Court notice and on each entity shown on the creditor listed above at the address listed above via first class US mail, proper postage prepaid on April 3, 2024.

_____/s/ David H. Cutler

Cutler & Associates, Ltd.
4131 Main St.
Skokie, IL 60076
Phone: (847) 673-8600

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| | | |
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| IN RE: |) | Chapter 13 |
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| Jessica Robertson, |) | Case No. 23-15078 |
| |) | |
| Debtor(s). |) | Judge Baer |

DEBTOR’S OBJECTION TO CLAIM OF UNITED WHOLESALE MORTGAGE, LLC
(CLAIM NO. 12)

NOW COMES the Debtor, Jessica Robertson, by and through her attorneys, Cutler & Associates, Ltd., and in support of her Objection to the Claim United Wholesale Mortgage, LLC (Claim No. 12), state as follows:

1. The Debtor filed her Chapter 13 Bankruptcy petition on November 9, 2023.
2. The Debtor is the owner of the real property commonly known as 2493 Stoughton Ci., Aurora, IL 60502.
3. On January 6, 2024, United Wholesale Mortgage, LLC (“United Wholesale”) filed a secured claim in the Debtor’s bankruptcy case in the amount of \$304,117.35 allegedly owed by the Debtor to United Wholesale. A copy of the Proof of Claim is attached as Exhibit A.
4. United Wholesale’s claim alleges that the Debtor has a pre-petition arrearage owed to the mortgage company in the amount of \$17,396.67.
5. The Debtor entered into a loan modification with United Wholesale in October of 2023. To that end, a partial claim mortgage to the U.S. Department of Housing and Urban Development (“HUD”) was recorded on November 2, 2023 in the amount of \$81,975.47. A copy of the claim filed by HUD marked as Exhibit B and are attached.
6. Based on information and belief, the HUD claim resolved all arrears owed to United Wholesale. Accordingly, there should be no arrearage owed to United Wholesale.

7. The Debtor has requested United Wholesale review the claim filed by United Wholesale with the HUD claim considered as well. United Wholesale, through its attorneys, has not been able to provide any further information or documentation. United Wholesale has also not amended the Proof of Claim to account for the loan modification.

8. Accordingly, the Proof of Claim of United Wholesale should be partially disallowed.

WHEREFORE, the Debtor prays for the following relief:

A. That this Court enter an order partially disallowing the claim of United Wholesale Mortgage, LLC (Claim Number 12); and

B. For such other and further relief as this Court deems equitable and just.

Respectfully Submitted,

Dated: April 3, 2024

By: _____ /s/ David H. Cutler
One of the attorneys for the Debtor(s)

Cutler & Associates, Ltd.
4131 Main St.
Skokie, IL 60076
Phone: (847) 673-8600